

Remarks/Arguments

Applicant thanks the Examiner for Office Action mailed November 16, 2006. Claims 1-39 are pending. Claims 3-7, 9-11, 14-23, 25-30, 32-33, and 35-39 have been amended herein to remedy minor informalities. The status of the application is as follows:

- Claims 1-15 and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. (US Pub. 2003/0137834) in view of Talamo (US 6,244,723).
- Claims 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo and in further view of Rintz et al. (US 6,355,885).
- Claims 31-33, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al.
- Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Shamlian et al. (US 3,888,127).
- Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Osiecki et al. (US Pub. 2003/0039118).

The rejections are discussed below.

The Rejection of Claims 1-15 and 19-30 under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Talamo.

Independent claim 1 is directed towards a flashlight that includes, *inter alia*, an indicator configured to illuminate when the on/off switch is positioned in the off position and the flashlight receives power only from the internal power source. In the subject Office Action, the rejection to claim 1 does not address the claimed indicator. The rejection to claim 2 references paragraph [0045] of Jigamian et al. to teach the indicator. In the following discussion, it is assumed that the Office also meant to reference paragraph [0045] of Jigamian et al. in connection with claim 1.

Paragraph [0045] of Jigamian et al. discloses a searchlight with a pushbutton on/off switch that may have an internal LED that is lit when searchlight is operating to

indicate different modes of operation. Paragraph [0045] provides that such indication may include lighting the LED to indicate when the searchlight is on. Paragraph [0045] also provides that such indication may include, when the searchlight is receiving external power, variously lighting the LED to indicate the charge state of the internal battery, including maintaining a solid illumination to indicate the internal battery is fully charged, periodically flashing the LED to indicate the internal battery is charging, and intermittently flashing the LED to indicate the internal battery is float charging. Thus, the LED is used to indicate either that the flashlight is on or that power external to the flashlight is being received to charge the internal battery. Paragraph [0045] does not contemplate lighting the LED when the searchlight is off and receiving power only from its internal battery. Therefore, this rejection should be withdrawn.

Claim 2, which depends from claim 1, has been amended to recite that the indicator means continuously flashes using power from the power source so long as the power source provides suitable power to illuminate the indicator means. As noted above, Jigamian et al. teaches that a LED variously illuminates to indicate that the flashlight is on or charging. Thus, Jigamian et al. does not teach or suggest claim 2. Accordingly, this rejection should be withdrawn.

Claim 8, which depends from claim 1, has been amended to recite that the flashlight housing includes a side with a tapered slot that is received by a base charging unit when the flashlight is inserted into the base unit to charge the power source. The combination of Jigamian et al. and Talamo does not teach or suggest such aspects.

Claim 12, which depends from claim 1, has been amended to recite that the flashlight indicators indicate a different state of the flashlight. **Claim 13**, which depends from claim 12, has been amended to recite that a first indicator illuminates when the power source is charging, a second indicator illuminates when the power source is charged, and a third indicator continuously intermittently illuminates when power is available from the power source. In the subject Office Action, the Office asserts that mere duplication only involves routine skill in the art and, thus, it would have been obvious to include multiple indicators. Applicant's representative notes that in the

amended claims the indicators are not merely duplicative; each indicator provides different information. Accordingly, these rejections should be withdrawn.

Independent claim 24 is directed towards a method of providing a human perceivable location indicator for a lighting device. The method recites, *inter alia*, positioning an indicator that is configured to provide an indication of a location of the lighting device when the flashlight is off so long as a charge of the power source provides power suitable to illuminate the at least one indicator below a cover of the lighting device. The Office asserts that Jagamian et al. teaches such aspects in paragraph [0045]. As noted above, this paragraph of Jagamian et al. teaches use a LED to indicate either that the flashlight is on or that power external to the flashlight is being received to charge the internal battery. Paragraph [0045] of Jagamian et al. does not teach or suggest a positioning an LED configured as such below a cover of the searchlight. Accordingly, this rejection should be withdrawn.

The Rejection of Claims 31-33, 36, 38 and 39 under 35 U.S.C. 103(a) as being unpatentable over Jagamian et al.

Independent claim 31 is directed towards a waterproof flashlight. The flashlight includes, *inter alia*, an electrical contact for electrical connection of the flashlight to a power source external to the flashlight. The electrical contact extends from inside of the housing through an aperture so as to be partly disposed outside of the flashlight housing. The electrical contact has a flange that is located outside of the housing and that provides a shoulder that is adjacent to the housing. The flashlight further includes a resilient seal between the shoulder and the flashlight housing to establish a water tight seal. The flashlight further includes contact connection that connects the electrical contact to the flashlight housing. The contact connection extends from the electrical contact through the aperture and includes securement that secures the contact connection in relation to the housing such that the shoulder maintains the seal under compression.

On pages 7-9 of the Office Action, the Office includes and references Figure 2 of Jagamian et al. to teach the above claimed aspects. Applicant's representative has provided Figure 2 of Jagamian et al. as marked up by the Office below. Applicant's

representative has also indicated the location of the electrical connector 312 in this figure. Figure 1b of Jigamian et al. has also been provided below to show the location of the electrical connector 312.

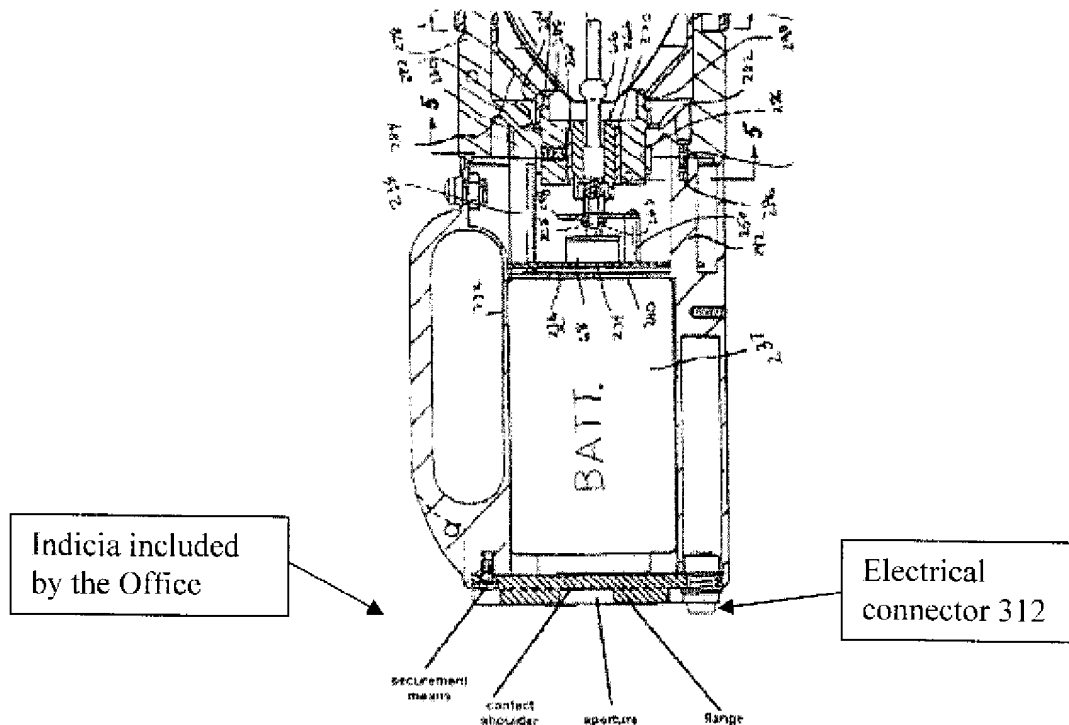


Figure 2 of Jigamian et al. as marked up by the Office to show the claimed securement, shoulder, aperture, and flange.

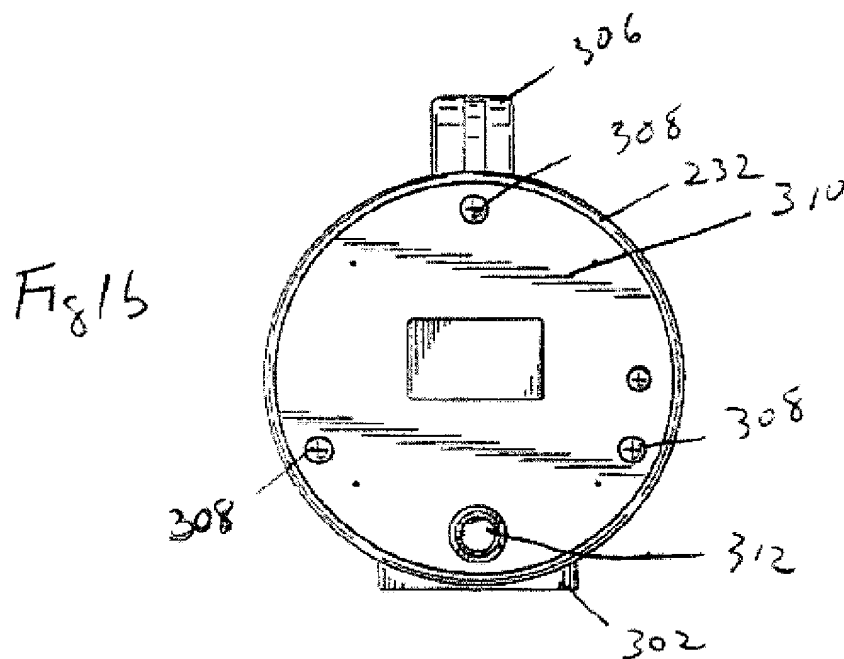


Figure 1b of Jigamian et al., showing the location of the electrical connector 312.

In the subject Office Action, the Office asserts that the electrical connector 312 of Jigamian et al. teaches the claimed flashlight electrical contact and references Figure 2 of Jigamian et al. to show the claimed electrical contact aperture, flange, shoulder, and securement. However, the structures referenced by the Office in Figure 2 of Jigamian et al. do not teach or suggest the electrical contact aperture, flange, shoulder, and securement as claimed. The claimed electrical contact aperture, flange, shoulder, and securement either cooperate with or are part of the claimed flashlight electrical contact and the structures referenced by the Office neither cooperate with nor are part of the electrical connector 312.

More particularly, the structure that the Office considers to be the analog of the claimed aperture (See Figure 2 above) does not teach or suggest the claimed aperture. In particular, claim 31 recites that the flashlight electrical contact extends from inside of the housing through the contact aperture so as to be partly disposed outside of the flashlight housing. In Figure 2 of Jigamian et al., the structure that the Office asserts is the claimed contact aperture is not an aperture for the electrical connector 312, and the electrical connector 312 does not extend through this structure as recited in the subject claim.

Furthermore, Jigamian et al. discloses that the electrical connector 312 is recessed within the housing 232 (See paragraph [0047]) and, thus, the electrical connector 312 cannot extend through an aperture to be partly outside of the housing.

In addition, the structure the Office considers to be the analog of the claimed electrical contact flange (See Figure 2 above) does not teach or suggest the claimed electrical contact flange. In particular, claim 31 requires that the electrical contact include a flange. However, the structure in Figure 2 that the Office considers to teach the claimed flange is a separate component from the electrical contact 312 and, thus, the electrical contact 312 does not provide the flange. Moreover, claim 31 requires that the electrical contact flange be outside of the housing and the structure the Office considers to be the claimed flange is located within the searchlight housing 232.

Further, the structure the Office considers to be the analog of the claimed shoulder (See Figure 2 above) does not teach or suggest the claimed shoulder. Claim 31 recites that the electrical contact flange provides the shoulder. In contrast, the structure that the Office considers to be the claimed flange is different from the structure that the Office considers to be the shoulder and, thus, the structure construed to be the claimed flange does not provide the shoulder. Moreover, claim 31 requires that the shoulder provided by the flange be outside of the housing and, the structure that the Office considers to teach the claimed shoulder is located within the searchlight housing 232.

Further, the structure the Office considers to be the analog of the claimed securement (See Figure 2 above) does not teach or suggest the claimed securement. Claim 31 recites that the securement secures a contact connection that extends from the electrical contact through the aperture to the flashlight housing. The structure from Figure 2 that the Office considers to teach the claimed securement does not secure a contact connection that extends from the electrical contact 312 through an aperture to connect the electrical contact 312 to the flashlight housing 232. Moreover, claim 31 recites that the securement secures the contact connection in relation to the housing such that the electrical contact flange or shoulder maintains the seal under compression. Jigamian et al. does not teach or suggest a securement that secures an electrical contact flange as such to form such a compressive seal.

In view of the above, it is respectfully requested that the rejection of claim 31 be withdrawn.

The Rejection of Claims 34 and 35 under 35 U.S.C. 103(a) as being unpatentable over Jigamian et al. in view of Shamlian et al..

Claim 34 has been amended to recite that the securement disposed within the flashlight housing includes a deformable portion configured to be rolled downwards to press against the inside of the housing to urge the shoulder towards the housing, which generates the compression so as to lock the contact connection means and hence the flashlight electrical contact, in place relative to the flashlight. Jigamian et al. and Shamlian et al., individually and in combination, do not teach or suggest such aspects. Therefore, this rejection should be withdrawn.

Claims Not Addressed Above

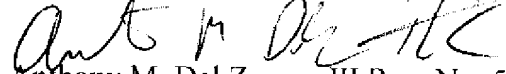
Claims 1, 3-7, 9-11, 14-23, 25-30, 32-33, and 35-39 depend directly or indirectly from independent claims 1, 24 or 31 and are allowable by virtue of these dependencies.

Conclusion

In view of the foregoing, it is submitted that the pending claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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